



General Assembly

Amendment

January Session, 2005

LCO No. 7938

SB0105207938HDO

Offered by:

REP. O'CONNOR, 35th Dist.

REP. STONE, 9th Dist.

To: Subst. Senate Bill No. **1052**

File No. 554

Cal. No. 651

(As Amended by Senate Amendment Schedules "A" and "B")

"AN ACT CONCERNING MEDICAL MALPRACTICE."

1 Strike section 11 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 11. Section 38a-676 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) With respect to rates pertaining to commercial risk insurance,
6 and subject to the provisions of subsection (b) of this section with
7 respect to workers' compensation and employers' liability insurance
8 and professional liability insurance for physicians and surgeons,
9 hospitals, advance practice registered nurses and physician assistants,
10 on or before the effective date [thereof, every] of such rates, each
11 admitted insurer shall submit to the Insurance Commissioner for the
12 commissioner's information, except as to inland marine risks which by
13 general custom of the business are not written according to manual

14 rates or rating plans, [every] each manual of classifications, rules and
15 rates, and [every] each minimum, class rate, rating plan, rating
16 schedule and rating system and any modification of the foregoing
17 which it uses. Such submission by a licensed rating organization of
18 which an insurer is a member or subscriber shall be sufficient
19 compliance with this section for any insurer maintaining membership
20 or subscribership in such organization, to the extent that the insurer
21 uses the manuals, minimums, class rates, rating plans, rating
22 schedules, rating systems, policy or bond forms of such organization.
23 The information shall be open to public inspection after its submission.

24 (b) Each filing [as] described in subsection (a) of this section for
25 workers' compensation or employers' liability insurance, or
26 professional liability insurance for physicians and surgeons, hospitals,
27 advanced practice registered nurses or physician assistants, shall be on
28 file with the Insurance Commissioner for a waiting period of thirty
29 days before it becomes effective, which period may be extended by the
30 commissioner for an additional period not to exceed thirty days if the
31 commissioner gives written notice within such waiting period to the
32 insurer or rating organization which made the filing that the
33 commissioner needs such additional time for the consideration of such
34 filing. Upon written application by such insurer or rating organization,
35 the commissioner may authorize a filing which the commissioner has
36 reviewed to become effective before the expiration of the waiting
37 period or any extension thereof. A filing shall be deemed to meet the
38 requirements of sections 38a-663 to 38a-696, inclusive, unless
39 disapproved by the commissioner within the waiting period or any
40 extension thereof. If, within the waiting period or any extension
41 thereof, the commissioner finds that a filing does not meet the
42 requirements of said sections, the commissioner shall send to the
43 insurer or rating organization which made such filing written notice of
44 disapproval of such filing, specifying therein in what respects the
45 commissioner finds such filing fails to meet the requirements of said
46 sections and stating that such filing shall not become effective. Such
47 finding of the commissioner shall be subject to review as provided in

48 section 38a-19.

49 (c) The form of any insurance policy or contract the rates for which
50 are subject to the provisions of sections 38a-663 to 38a-696, inclusive,
51 other than fidelity, surety or guaranty bonds, and the form of any
52 endorsement modifying such insurance policy or contract, shall be
53 filed with the Insurance Commissioner prior to its issuance. The
54 commissioner shall adopt regulations₂ in accordance with the
55 provisions of chapter 54₂ establishing a procedure for review of such
56 policy or contract. If at any time the commissioner finds that any such
57 policy, contract or endorsement is not in accordance with such
58 provisions or any other provision of law, the commissioner shall issue
59 an order disapproving the issuance of such form and stating the
60 reasons for disapproval. The provisions of section 38a-19 shall apply to
61 any such order issued by the commissioner."

62 Strike section 14 in its entirety and renumber the remaining sections
63 and internal references accordingly